
IN THE UNITED STATES DISTRICT COURT
CENTRAL DIVISION, DISTRICT OF UTAH

HUSSAIN KAMEL ALABESI,	:	Civil No. 2:11-cv-0501
Plaintiff,	:	REPORT & RECOMMENDATION
vs.	:	JUDGE DALE KIMBALL
UNITED STATES CITIZENSHIP AND	:	MAGISTRATE JUDGE BROOKE C.
IMMIGRATION SERVICES,		WELLS
Defendant.		

Before the court is defendant United States Citizenship and Immigration Services' ("USCIS") unopposed "Motion To Dismiss For Mootness".¹ On June 2, 2011, plaintiff Hussain Kamel Alabesi filed a civil rights complaint against defendant alleging wrongful "withholding [sic] a decision of citizenship."² In his complaint, Mr. Alabesi alleges that defendant failed to make a "final decision" as to his citizenship causing him stress and ultimately preventing him from seeking other employment.³

In response, USCIS filed its pending motion requesting dismissal of plaintiff's

¹Document Number 14.

²Document Number 1; "Civil Rights Complaint" at 4.

³Id. at 5 and 6.

complaint for lack of subject matter jurisdiction pursuant to Rule 12(b)(1).⁴ USCIS indicates that it has approved plaintiff's application and N-400 form and that as of October 12, 2011, Mr. Alabesi is a United States citizen.⁵

Given that defendant has made a "final decision" regarding plaintiff's citizenship and that Mr. Alabesi is now a United States citizen, plaintiff's claim for withholding a decision of citizenship is moot. Absent an actual case or controversy, the case must be dismissed.⁶ Accordingly, the court hereby recommends to the District Court that defendant's motion to dismiss for lack of subject matter jurisdiction be granted as the matter before the Court is moot.⁷

Copies of the foregoing report and recommendation are being mailed to all parties who are hereby notified of their right to object. The parties must file a specific written objection within fourteen days (14) days after being served with a copy.⁸ Failure to object may constitute a waiver thereof.

⁴Fed. R. Civ. P. 12(b)(1).

⁵Document Number 14; "Defendant's Motion To Dismiss For Mootness" at 3.

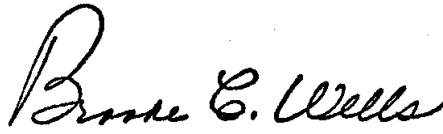
⁶U.S. CONST. ART. III, § 2; *see also DeFunis v. Odegaard* 416 U.S. 312 (1974).

⁷Fed. R. Civ. P. 12(b)(1).

⁸Fed. R. Civ. P. 72(b)(2).

DATED this 27 day of December, 2011.

BY THE COURT:

A handwritten signature in black ink, reading "Brooke C. Wells". The signature is written in a cursive style with a large initial 'B'. Below the signature is a horizontal line.

Brooke C. Wells
United States Magistrate Judge